

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**ACTUS, LLC,**

**Plaintiff,**

**v.**

**BANK OF AMERICA CORP., et al.**

**Defendants.**

**CIVIL ACTION NO. 2:09-cv-102-TJW**

**JURY TRIAL DEMANDED**

**PLAINTIFF’S ANSWER TO DEFENDANT  
META FINANCIAL GROUP, INC.’S COUNTERCLAIMS**

Plaintiff Actus, LLC (“Actus”) hereby responds to each paragraph of Defendant Meta Financial Group, Inc.’s (“Meta”) counterclaims as follows, wherein each and every paragraph is hereby incorporated by reference into each and every answer to each and every Count:

**COUNTERCLAIM**

1. Actus admits that this counterclaim purports to arrive under the Declaratory Judgment Act and the patent laws of the United States. Except as expressly admitted, Actus denies the remaining allegations of this paragraph. The remaining allegations are legal conclusions to which no response is required; however, to the extent that paragraph 1 contains any factual allegations to which Actus must respond, Actus admits same.

2. The allegations in paragraph 2 are legal conclusions to which no response is required; however, to the extent that paragraph 2 contains any factual allegations to which Actus must respond, Actus admits same.

3. Admitted.

4. Admitted.

5. Denied.

6. Denied.

7. Denied.

8. Denied.

9. Paragraph 9 contains legal conclusions regarding the existence of an actual controversy to which no response is required. Actus denies that Meta is entitled to a declaratory judgment in its favor.

10. Denied.

11. Denied.

**RESPONSE TO PRAYER FOR RELIEF IN  
META'S COUNTERCLAIMS**

Actus denies that Meta is entitled to any of the relief requested in its Prayer.

**PRAYER FOR RELIEF**

In addition to the relief requested in its Third Amended Complaint, Actus respectfully requests a judgment against Meta as follows:

- A. That Meta take nothing by its Counterclaims;
- B. That the Court award Actus all costs and attorneys' fees incurred in defending against Meta's Counterclaims; and
- C. Any and all further relief that the Court deems just and proper.

Dated: March 3, 2010

Respectfully submitted,

/s/ William E. Davis, III  
William E. Davis, III  
TX State Bar No. 24047416

**The Davis Firm, PC**  
111 W. Tyler St.  
Longview, TX 75601  
Ph: 903-230-9090  
Fx: 903-230-0661  
bdavis@bdavisfirm.com

*Attorney for Actus, LLC*

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, the foregoing was served on all counsel of record who have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d), all others not deemed to have consented to electronic service were served with a true and correct copy of the foregoing via email on this 3rd day of March, 2010.

/s/ William E. Davis, III  
William E. Davis, III